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FILED FOR THE COURT

Counsel for Defendant JAMES KELLEMS

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA,	)	No. CR 11-00341 DLJ
	)	
Plaintiff,	)	STIPULATION AND []
	)	ORDER CONTINUING HEARING DATE
vs.	)	
	)	
JAMES KELLEMS,	)	
	)	
Defendant.	)	
	)	

**STIPULATION**

Defendant James Kellems, by and through Assistant Federal Public Defender Heather R. Rogers, and the United States, by and through Assistant United States Attorney Thomas M. O'Connell, hereby stipulate that, with the Court's approval, the status hearing currently set for February 2, 2012, at 9:00 a.m., before the Honorable D. Lowell Jensen, shall be continued to February 23, 2012, at 9:00 a.m.

The reason for the requested continuance is that defense counsel was recently assigned to the case and requires additional time to review discovery, consult with the government, and consult with Mr. Kellems. The parties therefore respectfully request a continuance to February 23, 2012, at 9:00 a.m.

1 The parties agree that the time between February 2, 2012, and February 23, 2012, may be  
2 excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A) and (B)(iv), for effective  
3 preparation of counsel.

4  
5 Dated: January 31, 2012

6 /s/  
HEATHER ROGERS  
Assistant Federal Public Defender

7  
8 Dated: January 31, 2012

9 /s/  
THOMAS M. O'CONNELL  
Assistant United States Attorney

10  
11 **~~PROPOSED~~ ORDER**

12 GOOD CAUSE APPEARING, upon stipulation of the parties, IT IS HEREBY  
13 ORDERED that the hearing currently set for February 2, 2012, at 9:00 a.m., before the  
14 Honorable D. Lowell Jensen, shall be continued to February 23, 2012, at 9:00 a.m.

15 THE COURT FINDS that failing to exclude the time between February 2, 2012, and  
16 February 23, 2012, would unreasonably deny counsel for the defendant reasonable time necessary  
17 for effective preparation, taking into account the exercise of due diligence. *See* 18 U.S.C. §§  
18 3161(h)(7)(B)(iv).

19 THE COURT FINDS that the ends of justice served by excluding the time between  
20 February 1, 2012, and February 23, 2012, from computation under the Speedy Trial Act outweigh  
21 the interests of the public and the defendant in a speedy trial.

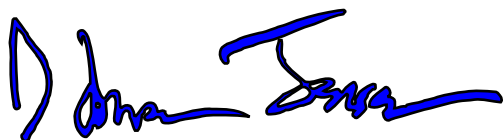
22 THEREFORE, IT IS HEREBY ORDERED that the time between February 2, 2012, and  
23 February 23, 2012, shall be excluded from computation under the Speedy Trial Act, 18 U.S.C. §  
24 3161(h)(7)(A) and (B)(iv).

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IT IS SO ORDERED.

Dated: ~~GF~~FG



HON. D. LOWELL JENSEN  
United States District Court Judge